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10/696,498

10/30/2003

Renzo Colle

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04/03/2009

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EXAMINER

KARDOS, NEIL R

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/696,498 | Applicant(s) COLLE ET AL. | |
| | Examiner Neil R. Kardos | Art Unit 3623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,11-17 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,11-17 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/08, 2/24/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a **FINAL** Office Action on the merits in response to communications filed on December 12, 2008. Claims 1, 11, 29, and 30 have been amended. Claims 2-3, 10, and 18-28 have been cancelled. Claim 31 has been added. Currently, claims 1, 4-9, 11-17, and 29-31 are pending and have been examined.

Information Disclosure Statement

The information disclosure statement filed on December 22, 2008 refers to publication number 2002/065700 to Fearnley et al. Examiner believes this is a typographical error, because there is no pre-grant publication with this number. Thus, this reference has not been considered. Examiner requests that a corrected information disclosure statement be filed with the next response.

Response to Arguments

Applicant's arguments filed on December 12, 2008 have been fully considered but they are not persuasive. Applicant argues the following:

- (A) Srimuang in view of Kalmes does not teach wherein the engine associates a particular human resource with a particular task item only when the indication of the skill possessed by the particular human resource matches the human resource skill requirement of the task item, wherein there is at least one human resource that possesses the skill but at a level that does not match the human resource skill requirement of the task item. (See Remarks, pages 9-10).

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- (B) Srimuang in view of Kalmes does not teach wherein there is at least one particular tool that includes the tool characteristic requirement but at a level that does not match the tool characteristic of the task item. (See Remarks, page 10).
- (C) Glazer in view of Kalmes and Miller does not teach non-reusable and reusable resources. (See Remarks, page 10).
- (D) Glazer in view of Kalmes and Miller does not teach utilizing contractual obligations to automatically schedule service orders. (See Remarks, pages 10-11).

Applicant's arguments will now be considered in turn:

- (A) Srimuang in view of Kalmes does not teach wherein the engine associates a particular human resource with a particular task item only when the indication of the skill possessed by the particular human resource matches the human resource skill requirement of the task item, wherein there is at least one human resource that possesses the skill but at a level that does not match the human resource skill requirement of the task item.**

Regarding argument (A), Examiner respectfully disagrees. Srimuang discloses that an appointment ("task item") may require a nurse or a doctor ("human resource skill requirements"). (see ¶ 13). Categorizing resources as a "nurse" or a "doctor" is also an indication of a skill possessed by particular human resources. The method of Srimuang only associates a human resource (a nurse or a doctor) with a particular task item (an appointment) when the skill possessed by the human resource matches the skill requirements of the task. (see ¶ 13). Srimuang also teaches "wherein there is at least one human resource that possesses the skill but

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at a level that does not match the human resource skill requirement of the task item." For example, doctors and nurses possess medical skills, but each possess the skill at a different level. In the method taught by Srimuang, a nurse will not be assigned to perform the task of a doctor, and vice versa, because each does not possess the skill level required for the task. (see ¶ 13). Thus, Srimuang teaches the claimed limitation.

Furthermore, it is extremely old and well-known in the resource allocation arts to assign tasks to workers based on skill levels. A cursory review of the cited pertinent prior art will reveal this statement to be true:

- Hassman (US 2003/0126141, cited in the Office Action dated June 11, 2008), "System and Method for Managing and Resourcing Persons, Skill Sets, and Project Requirements."
- Bukow (US 6,567,784, cited in the current Office Action), "Method and Apparatus for Matching Projects and Workers."
- Fields (US 5,111,391, cited in the current Office Action), "System and Method for Making Staff Schedules as a Function of Available Resources as well as Employee Skill Level, Availability, and Priority."
- Ford (US 7,035,808, cited in the Office Action dated June 11, 2008), "Arrangement for Resource and Work-Item Seletion."
- Schweitzer (US 2004/0078257, cited in the current Office Action), "Labor and Resource Scheduling System."

However, in the interest of furthering prosecution, Examiner has applied a new reference (Ford: US 7,035,808) that more clearly discloses the amended portions of the claims. The new

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grounds of rejection is necessitated by Applicant's amendments to the claims; thus, the finality of the Office Action is proper.

(B) Srimuang in view of Kalmes does not teach wherein there is at least one particular tool that includes the tool characteristic requirement but at a level that does not match the tool characteristic of the task item.

Regarding argument (B), Examiner respectfully disagrees. Srimuang teaches an x-ray room and an examination room. (see ¶ 13). Both of these resources have the characteristic requirement of a "room," but an examination room will not be assigned when an x-ray room is needed, and vice versa. (see id.) Thus, Srimuang teaches this limitation.

As discussed above in reference to argument (A), it is old and well-known in the resource allocation arts to assign tasks to resources based on the resource meeting an acceptable level required by the task.

In the interest of furthering prosecution, Examiner has applied a new reference (Ford: US 7,035,808) that more clearly discloses the amended portions of the claims. The new grounds of rejection is necessitated by Applicant's amendments to the claims; thus, the finality of the Office Action is proper.

(C) Glazer in view of Kalmes and Miller does not teach non-reusable and reusable resources.

Examiner notes that Applicant's has not claimed non-reusable and reusable resources. According to claim 29, a first repository is polled to associated each task "with at least one of a

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person, a non-reusable resource, and a reusable resource." The cited portions of Glazer teach associating a task with personnel, time slots, and resources such as equipment. (see column 3: line 40 through column 4: line 9). Furthermore, Examiner contends that Glazer teaches all three of a person ("personnel availability"), a non-reusable resource ("contiguous time slots"), and a reusable resource ("resource availability"). For the above reasons, Glazer teaches the claimed limitation.

Furthermore, it should be clear to Applicant from the art used in the rejection of claim 1 (i.e. Srimuang), as well as the cited pertinent prior art, that associating tasks with people, non-reusable resources, and reusable resources is old and well-known in the resource allocation arts.

(D) Glazer in view of Kalmes and Miller does not teach utilizing contractual obligations to automatically schedule service orders.

Examiner notes that the limitation of "automatically scheduling the service order during the time slot if [it] is determined that the non-resource constraints permit the service order to be scheduled during the time slot" is a newly amended limitation. Examiner has applied new art to this claim to teach this limitation. The new grounds of rejection is necessitated by Applicant's amendments to the claims; thus, the finality of the Office Action is proper.

The remainder of Applicant's arguments are moot in view of the new grounds of rejection, which is necessitated by Applicant's amendments to the claims.

Response to Amendment

Applicant's amendments to the claims are sufficient to overcome the rejection of claims 29-30 under § 101 set forth in the previous Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9, 11-17, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srimuang (US 2003/0061087) in view of Kalmes (US 6,934,715), and further in view of Ford (US 7,035,808).

Claim 1: Srimuang discloses a computer-implemented method comprising:

- associating, based on user input, resource information with task items that need to be completed as part of performing a service action by an engine (see paragraphs 10, 13, and 110, disclosing scheduling an appointment based on availability of required personnel, consumable resources, and non-consumable resources; paragraph 98-99, disclosing allowing users to schedule appointments based on available resources; figure 1, depicting schedule databases and availability checking; paragraphs 72, 79-81); and
- first polling a first repository of a first computer system to obtain resource information associable with the task items, the repository including human

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resource information, reusable resource information, and non-reusable resource information (see id.), wherein:

- the human resource information includes availability information for human resources (see id.),
- the reusable resource information includes availability information for reusable resources (see id.),
- the non-reusable resource information includes availability information for non-reusable resources (see id.);
- scheduling resources needed to perform the service action based on results obtained from the repository of resource information (see id.)
- wherein the task items include a human resource skill requirement (see ¶ 13, disclosing nurses and doctors);
- wherein the human resource information includes an indication of a skill possessed by particular human resources that are represented in the human resource information (see id.)
- wherein the engine associates a particular human resource with a particular task item only when the indication of the skill possessed by the particular human resource matches the human resource skill requirement of the task item (see id.).

Srimuang does not explicitly disclose:

- second polling a remote repository of a remote computer system different than the first computer system to obtain non-resource constraint information for the service action, the second polling occurring after the first polling; and

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- scheduling resources needed to perform the service action based on non-resource constraint information obtained from the remote computer system, wherein the second polling automatically checks whether a proposed schedule determined by the first polling complies with the non-resource constraint information in the remote repository.

However, Srimuang does disclose retrieving information from a remote computer (see figure 1 and paragraphs 68-70).

Kalmes discloses polling a repository to obtain non-resource constraint information for the service action (see figure 1: item 104, depicting a database with contractual information; column 2: lines 16-33; column 3: line 60 through column 4: line 25, disclosing searchable databases; column 7: lines 3-38). Kalmes also discloses scheduling resources needed to perform the service action based on non-resource constraint information obtained from the remote computer system (see column 7: lines 3-38; specifically, column 7: lines 25-30, disclosing the efficient scheduling of personnel and processes based on critical terms and conditions of contracts in a database). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the non-resource repository of Kalmes with the resource repository of Srimuang when scheduling resources. One of ordinary skill in the art would have been motivated to do so for the benefit of more efficiently satisfying demand for products that have been ordered by contract (see Kalmes: column 7: lines 3-38).

The cited references do not explicitly disclose that the non-resource polling occurs after the resource polling, or that the non-resource polling automatically checks whether a proposed schedule complies with non-resource constraint information. Examiner takes Official Notice that

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it was well-known in the scheduling arts at the time the invention was made to ensure that non-resource constraints are met (e.g. ensuring that contractual deadlines are met). Furthermore, it is well-known to automate processes. See *in re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically check to ensure that non-resource constraints (such as deadlines) are met by a proposed schedule. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies and profits associated with customer satisfaction and meeting contractual requirements.

Srimuang does not explicitly disclose wherein there is at least one human resource that possesses the skill but at a level that does not match the human resource skill requirement of the task. Ford discloses this limitation (see figure 2, depicting skill levels; figure 4; column 1: lines 25-44 and 55-59). Ford and Srimuang are both directed to resource allocation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the skill levels explicitly disclosed by Ford with the resource allocation system of Srimuang. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by assigning a task to the best qualified resource.

Claim 4: Srimuang does not explicitly disclose, but Kalmes teaches: wherein the non-resource constraint information comprises information about contractual requirements (see figure 1: item 104).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the contractual requirements of Kalmes with the resource repository of

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Srimuang when scheduling resources. One of ordinary skill in the art would have been motivated to do so for the benefit of more efficiently satisfying demand for products that have been ordered by contract (see Kalmes: column 7: lines 3-38).

Claims 5-6: Srimuang discloses wherein the availability information for human resources comprises availability information for individuals and for groups of individuals (see paragraph 56).

Claim 7: Srimuang discloses wherein the availability information for reusable resources comprises availability information for tools (see paragraph 56, disclosing wherein the reusable resource is an object, such as a dentist's chair; paragraph 92, disclosing wherein the reusable resource is a card deck, which is a tool for playing a card game).

Claim 8: Srimuang discloses wherein the availability information for reusable resources comprises availability information for work areas (see paragraph 56, disclosing wherein the reusable resource is a location, such as a conference room; paragraph 110, disclosing wherein the reusable resource is an examination room).

Claim 9: Srimuang discloses wherein the availability information for non-reusable resources comprises availability information for spare parts (see paragraph 10, disclosing wherein the non-reusable resource is shampoo, motor oil, or tongue depressors; paragraph 56).

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Claim 11: Srimuang discloses wherein:

- the task items include a tool characteristic requirement (see paragraph 13, disclosing scheduling examination rooms and x-ray rooms),
- the reusable resource information includes an indication of a tool characteristic for particular tools that are represented in the reusable resource information (see id.), and
- the engine associates a particular tool with a particular task item only when the indication of the tool characteristic for a particular tool matches the tool characteristic of the task item (see id.; paragraphs 10 and 110, disclosing scheduling an appointment based on availability of different personnel, consumable resources, and non-consumable resources).

Srimuang does not explicitly disclose wherein there is at least one particular tool that includes the tool characteristic requirement but at a level that does not match the tool characteristic of the task item. Ford discloses this limitation (see figure 2, depicting skill levels; figure 4; column 1: lines 25-44 and 55-59). Ford and Srimuang are both directed to resource allocation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the skill levels explicitly disclosed by Ford with the resource allocation system of Srimuang. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by assigning a task to the best qualified resource.

Claims 12-14: Srimuang discloses wherein the availability information for human resources, reusable resources, and non-reusable resources is provided to the repository of

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resource information from a computer system other than the computer system for scheduling resources (see figure 1, depicting vendors and customers that provide availability information over a network to scheduling server 104; paragraphs 68-69, disclosing scheduling software divided among a plurality of servers; paragraphs 81-83).

Claim 15: Srimuang discloses wherein the engine and the repository of resource information are capable of communicating using a network with mobile clients (see figure 1, depicting engine and repository in scheduling server 104 communicating via the internet 102 with mobile clients 106-114).

Claim 16: Srimuang discloses wherein the engine is configured to send, to each mobile client, resource information associated with task items that need to be completed as part of performing a particular service action (see paragraph 95, disclosing wherein a customer can view an employee's availability).

Claim 17: Srimuang discloses wherein the engine is configured to receive, from each mobile client, user input for the purpose of associating resource information with a particular task item (see paragraphs 98, 104-106, and 110, disclosing wherein a customer can make an appointment that affects the availability of a resource).

Claim 31: Claim 31 is substantially similar to claim 11 and is rejected under similar rationale.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glazer (US 7,174,303) in view of Salle (US 2003/0074245), and further in view of Miller (US 2003/0036925).

Claim 29: Glazer discloses a computer-implemented method to be performed by execution of computer readable program code by at least one processor of at least one computer system, the method comprising:

- receiving a request to schedule a service request (see column 2: lines 51-58; column 3: lines 59-66);
- automatically polling a first repository of a first computer system to associate each task with at least one of a person, a non-reusable resource, and a reusable resource (see column 3: line 66 through column 4: line 9);
- automatically first determining a time slot within a time range in which the associated persons, non-reusable resources, and reusable resources are available (see column 3: line 66 through column 4: line 9; figure 2); and
- automatically second determining whether the non-resource constraints permit the service order to be scheduled during the time slot (see column 3: lines 53-55);

Glazer does not explicitly disclose:

- automatically polling a second repository of a second computer system remote from the first repository to automatically check whether there are any non-resource constraints limiting when the service order can be scheduled, the non-resource constraints identifying whether a service provider at which the service

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request was directed is contractually obligated to perform the service request during the time slot;

- automatically scheduling the service order during the time slot if it is determined that the non-resource constraints permit the service order to be scheduled during the time slot.

Salle discloses these limitations (see at least ¶¶ 3-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the non-resource repository of Salle with the resource repository of Glazer when scheduling resources. One of ordinary skill in the art would have been motivated to do so for the benefit of more efficiently satisfying demand for products that have been ordered by contract.

The cited references do not explicitly disclose that the non-resource polling occurs after the resource polling, or that the non-resource polling automatically checks whether a proposed schedule complies with non-resource constraint information. Examiner takes Official Notice that it was well-known in the scheduling arts at the time the invention was made to ensure that non-resource constraints are met (e.g. ensuring that contractual deadlines are met). Furthermore, it is well-known to automate processes. See *in re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically check to ensure that non-resource constraints (such as deadlines) are met by a proposed schedule. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies and profits associated with customer satisfaction and meeting contractual requirements.

Glazer also does not explicitly disclose wherein the service request comprises a plurality of tasks. Miller discloses this limitation, including assigning resources to each individual task of a service request (see at least paragraphs 3-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Glazer's method of assigning resources and scheduling for a service request to the individual task items of that service request as taught by Miller. This combination of known elements produces a result that would be predictable to one of ordinary skill in the art (e.g. assigning resources to multiple tasks that make up a service order).

Claim 30: Glazer does not explicitly disclose the limitations of this claim.

Miller discloses:

- rendering, on a client computer, a graphical user interface, the graphical user interface presenting a user with a generic service order template for a service requested by the service request, the generic service order template comprising a collection of reusable data that identifies each of the tasks to be performed for the service requests, and for each task, a predetermined, expected duration of the task and an identification of other tasks on which the tasks depends (see figures 3-4; paragraphs 44-51);
- receiving user-generated input, via the graphical user interface, modifying the generic service order template (see figures 3-4); and
- initiating the scheduling of the service request based on the modified generic service order template (see paragraph 44).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the service order templates taught by Miller to schedule a service as disclosed by Glazer. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by streamlining the process of filling out an order form (see Miller: paragraphs 7-8).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bukow (US 6,567,784, cited in the current Office Action), "Method and Apparatus for Matching Projects and Workers."
- Fields (US 5,111,391, cited in the current Office Action), "System and Method for Making Staff Schedules as a Function of Available Resources as well as Employee Skill Level, Availability, and Priority."
- Schweitzer (US 2004/0078257, cited in the current Office Action), "Labor and Resource Scheduling System."

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos
Examiner
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NRK

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/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623